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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,129	04/29/2005	Odd Halsnes	22106-00089-US1	4737
30678	7590	12/08/2005	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP			MITCHELL, TEENA KAY	
SUITE 800			ART UNIT	
1990 M STREET NW			PAPER NUMBER	
WASHINGTON, DC 20036-3425			3743	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/533,129

Applicant(s)

HALSNES, ODD

Examiner

Teena Mitchell

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/29/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

**The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**Claims 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Eklund et.al. (6,055,666).**

With respect to claim 5, Eklund in a helmet/face mask discloses: a chin guard (Figs. 6-10), wherein the chin guard comprises an internal closed cavity (12, 12', 12'') which has at least one opening (at 11, 11', 11'') towards an interior portion of the helmet/face mask, wherein the cavity comprises one or more openings (4, 7) towards an outside portion of the chin guard.

With respect to claim 6, Eklund discloses wherein the chin guard comprises two parallel plates (Figs. 6-10) with an intermediate cavity, which is airtight at an upper edge thereof.

With respect to claim 7, Eklund discloses wherein the cavity in the chin guard has an opening in a lower edge of the chin guard (at 13, U).

With respect to claim 8, Eklund discloses wherein the cavity in the chin guard has an opening in a lower edge of the chin guard (at 13, U).

With respect to claim 9, Eklund discloses wherein the cavity in the chin guard has one or more openings towards the outside portion of the chin guard (13, U) located on a side of the chin guard.

With respect to claim 10, Eklund discloses wherein the cavity in the chin guard has one or more openings towards the outside portion of the chin guard (13, U) located on a side of the chin guard.

***Claim Rejections - 35 USC § 102***

**The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.**

**The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).**

**Claims 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (6,640,345).**

With respect to claim 5, Tanaka discloses: a helmet with a chin guard (1a), wherein the chin guard comprises an internal closed cavity (note Fig. 6) which has at least one opening towards an interior portion of the helmet (at 22a), wherein the cavity comprises one or more openings towards an outside portion of the chin guard (note arrows in Fig. 6).

With respect to claim 6, Tanaka discloses wherein the chin guard comprises two parallel plates with an intermediate cavity, which is airtight at an upper edge thereof (Fig. 6).

With respect to claim 7, Tanaka discloses wherein the cavity in the chin guard has an opening in a lower edge of the chin guard (Fig. 6).

With respect to claim 8, Tanaka discloses wherein the cavity in the chin guard has an opening in a lower edge of the chin guard (Fig. 6).

With respect to claim 9, Tanaka discloses wherein the cavity in the chin guard has one or more openings towards the outside portion of the chin guard located on a side of the chin guard (Fig. 6, at 24).

With respect to claim 10, Tanaka discloses wherein the cavity in the chin guard has one or more openings towards the outside portion of the chin guard located on a side of the chin guard (Fig. 6, at 24).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The balance of art is cited to show helmet/face mask with chin

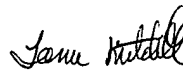
Art Unit: 3743

guards: 6,868,852; 6,425,143; 6,405,382; 5,212,843; 5,093,938; 4,895,172; 4,612,675;  
4,514,864; 4,498,202; 4,583,246; 4,250,577; 3,955,570.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teena Mitchell whose telephone number is (571) 272-4798. The examiner can normally be reached on Monday-Friday however the examiner is on a flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Teena Mitchell  
Primary Examiner  
Art Unit 3743  
December 4, 2005

  
TKM